



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
& ENVIRONMENTAL CONTROL
DIVISION OF AIR QUALITY
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July 20, 2018

Andrew Wheeler, Acting Administrator
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: EPA-HQ-OAR-2018-0295

Dear Acting Administrator Wheeler:

Delaware's Department of Natural Resources and Environmental Control hosted a public meeting on July 16, 2018 to provide an opportunity for Delawareans to comment on the US Environmental Protection Agency's proposal to deny Delaware's petitions under section 126 (b) of the Clean Air Act, which allows states to petition EPA to find that a source in an adjacent state emits or would emit any air pollutant at amounts that violate the good neighbor provision. The DNREC-sponsored listening session began at 10 a.m. at the Delaware Technical Community College 400 Stanton-Christiana Road Newark, Delaware 19713.

The listening session was well attended by the public with over 50 in attendance. Comments were heard from members of the public as well as from Governor Carney, Secretary Garvin and Senator Carper. We are submitting a transcript of that testimony please see ATTACHMENT I. EPA should not take action to deny Delaware's petition without first hearing from our citizens and considering their comments. Delaware stepped up to host this public meeting because EPA is not offering a reasonable venue for citizens' voices to be heard.

Delaware respectfully requests that you enter these into the EPA's hearing docket for this proceeding and give them the same weight and consideration as comments delivered had EPA held this hearing.

Sincerely,

A handwritten signature in cursive script that reads "David Fees".

David F. Fees, P.E.
Acting Director

Delaware's good nature depends on you !

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ATTACHMENT 1

Delaware Department of

Natural Resources &

Environmental Control



Delaware Public Meeting – July 16, 2018

Testimony of Commenters

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In The Matter Of:
EPA's Proposal to deny Delaware's 126(b)
Clean Air Act Petitions

DNREC - Air Quality
July 16, 2018

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STATE OF DELAWARE DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF AIR QUALITY

IN THE MATTER OF:)
EPA's proposal to deny)
Delaware's 126(b))
Clean Air Act Petitions)

Delaware Technical Community College
400 Stanton-Christiana Road
Newark, Delaware

Monday, July 16, 2018
10:00 a.m.

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TRANSCRIPT OF PUBLIC MEETING

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1 **SECRETARY GARVIN:** Wow! I've
2 never had such command of a room. Never had
3 a room get that quiet that fast.

4 Welcome. I appreciate
5 everyone's coming here today. There is
6 seats upfront for those who are standing.

7 I'm just going to make a few
8 opening remarks.

9 The first one. Send regrets of
10 Governor Carney. He has a funeral downstate
11 that he had to attend. Also read something
12 from him. And then I'll introduce
13 Senator Carper and also want to recognize
14 Representative Short, who is here joining us
15 today as well.

16 We're here today to talk about
17 one of Delaware's most important vital
18 natural resources, clean air. Clean air
19 should not be the question for Delawareans.
20 However, despite all that Delaware's done to
21 ensure clean air for our residents, we are
22 still faced with air pollution, and
23 90 percent of it is coming into Delaware
24 from outside of our state. Under the Good



1 Neighbor Provision of the Clean Air Act, we
2 petitioned the U.S. EPA to use their
3 authority to require power plants in upwind
4 states to run their pollution control
5 equipment whenever plants are in operation,
6 especially in the summer. That is when air
7 pollution coming into Delaware hurts our
8 residents. EPA's response was to propose
9 denying Delaware's Clean Air Act petition
10 and reducing our air pollution that comes
11 into Delaware.

12 In addition, EPA denied our
13 request for a more convenient venue for
14 Delawareans to voice their concern and
15 opinion at EPA's June 22nd public hearing in
16 Washington, D.C. As the head of Delaware's
17 Environmental Protection Agency, I requested
18 a 45-day minimum public comment period and a
19 later date for the EPA to hold a public
20 hearing in Delaware. We were denied this
21 also.

22 With the support of the
23 governor's office and our congressional
24 delegation, Delaware's Department of Natural



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1 Resources and Environmental Control has
2 pursued and will continue to pursue
3 voluntary and collaborative efforts with our
4 fellow states to ensure upwind power plants
5 meet the same stringent standards for
6 controlling air pollution that Delaware is
7 required to meet. We will also continue to
8 press EPA to hold upwind sources accountable
9 for ozone emissions that are impacting our
10 downwind states.

11 Recently, the governor wrote
12 this op-ed. He also will be providing EPA
13 Delaware's official position on the denial
14 of the petition, but I wanted to read all
15 this to you.

16 "Watching a Blue Rocks game.
17 Sitting by the pool. Walking along the
18 Rehoboth boardwalk. For most of us, that's
19 what summertime means. It's a time of fun
20 and relaxation. But for the majority of
21 Delawareans with asthma and breathing
22 problems, summer can be a nightmare. That's
23 because Delaware's air quality ranks amongst
24 the worst in the country. The real kicker,



1 though, is that 90 percent of that pollution
2 has come from other states. Delaware has
3 made great stride in reducing our emissions.
4 We've enacted stricter controls on power
5 plants, refineries, and manufacturing sites.
6 From 2000 to 2017, Delaware's coal-fired
7 electric generation has been reduced by
8 approximately 90 percent. We've reduced
9 coal-fired power generation to one
10 well-controlled unit in the entire state.
11 To comply with federal and state air
12 regulations, Delaware electric generators
13 and operators, such as Calpine and NRG have
14 spent millions of dollars to control
15 emissions that cause ozone pollution.
16 Without help from the Environmental
17 Protection Agency in Washington, we can't
18 move the needle on our air quality. So, we
19 ask the EPA to intervene in the states that
20 are 'upwind' from Delaware -- where all our
21 air pollution is coming from. Most of the
22 power plants in these states have pollution
23 control technology. But sometimes the
24 plants don't turn on the technology.



1 Delaware asked the EPA to require these
2 power plants to run their pollution control
3 equipment any time the plants are in
4 operation, and especially during summer
5 months, when ozone levels are the highest.
6 EPA has the authority to do this under the
7 Clean Air Act. We're asking them to use it.
8 Unfortunately, though, EPA recently proposed
9 to deny our request. So, for the time
10 being, Delawareans will continue to suffer
11 as we enter this hot summer season.

12 Working with Attorney General
13 Matt Denn, we're looking at ways to force
14 the EPA to enforce the Clean Air Act, and
15 protect Delaware's air quality. We can have
16 a debate about the role of government, or
17 climate change, or the decisions coming out
18 of Washington. But there's no disputing
19 that power plant emissions cause air
20 pollution, air pollution is coming almost
21 entirely from other states.

22 Delaware's companies have spent
23 the money and cleaned up their emissions.
24 Other states have not. If we do nothing



1 else as a government, it seems to me that
2 ensuring our citizens have clean air to
3 breathe should be the minimum standard.
4 Delaware will continue to employ
5 state-of-the-art emission control technology
6 for our industrial sites. We will continue
7 doing what we can to keep our citizens safe.
8 But we need the federal government to step
9 up and do its job as well, so all
10 Delawareans can breathe easy.

11 With that, I would like to
12 introduce our senior senator Tom Carper to
13 make a few comments.

14 (Applause.)

15 SENATOR CARPER: Good morning.
16 Good morning.

17 THE AUDIENCE: Good morning.

18 SENATOR CARPER: Alive and well.
19 Put the hands together for the Department of
20 Natural Resources and Environmental Control
21 who work hard for us.

22 (Applause.)

23 SENATOR CARPER: Anybody ever
24 been to Rodney Square? Rodney Square in



1 downtown Wilmington. Lovely place. There
2 is a guy riding a horse there. We kick off
3 the Caesar Rodney half marathon here every
4 March. I've been the chairman for the
5 Caesar Rodney half marathon for the past 25
6 years or more. And not everybody who comes
7 and run the Caesar Rodney half marathon
8 knows who Caesar Rodney was. But he was a
9 guy from down in Dover. And Caesar Rodney
10 had facial cancer. Nobody has an idea what
11 he looks like. If you look at the guy on
12 the horse, handsome guy, nobody really knows
13 what he looked like. There are no pictures,
14 no photographs, no paintings, nothing. But
15 he's famous for being president of Delaware.
16 Most people don't know we ever had
17 presidents. Before we had governors, we had
18 presidents. Caesar Rodney was one of the
19 early presidents of Delaware. And he was
20 one of the fellows who actually went up to
21 be present for debate and voting on the
22 Declaration of Independence, a long time
23 ago. He allegedly rode his horse from
24 Dover, Delaware through Wilmington on up to



1 Philadelphia to cast the tie-breaking vote
2 for the Delaware delegation in favor of the
3 Declaration of Independence. The reason why
4 I mention that this morning, the Caesar
5 Rodney Half Marathon is an event that
6 benefits the American Lung Association here
7 in Delaware, so we can have clean air to
8 breathe whether you run half marathons or
9 not. But the Declaration of Independence
10 that Caesar Rodney went up to cast the
11 tie-breaking vote on has these words, "life,
12 liberty, and the pursuit of"?

13 THE AUDIENCE: "Happiness."

14 SENATOR CARPER: "Happiness."

15 It's hard to have life, it's hard to have
16 happiness when the air we breathe is foul.
17 And for many, many years, here on the East
18 Coast, in fact, in many parts of our country
19 and our world, the air is badly polluted.

20 Strangely enough, a guy named
21 Richard Nixon struck a blow in favor of a
22 cleaner environment. He signed into law
23 legislation creating the Environmental
24 Protection Agency. He signed into law the



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1 Clean Air Act. He signed into law the Clean
2 Water Act.

3 I'm an Ohio State guy, Ohio
4 State Navy ROTC midshipman, went on to
5 become a naval flight officer in the Vietnam
6 War. But I remember a time when the
7 Cuyahoga River up in Cleveland used to catch
8 on fire. And that was one of the
9 instigators for changing the law. I was
10 stationed for awhile in California before we
11 went overseas during the Vietnam War. I can
12 remember running in California. I liked to
13 run even then and still do. But I remember
14 running in California any number of times
15 when I thought I was doing more damage to my
16 body than I was good for my body.

17 A lot of progress has been made
18 in this country to clean up our air over the
19 years. Good news from Cleveland, Ohio. The
20 Cuyahoga River no longer catches on fire.

21 UNIDENTIFIED SPEAKER: Yeah,
22 right.

23 SENATOR CARPER: Actually, I
24 fished there. And we're beginning to



1 restore in this state the quality of our
2 rivers and waterways. The prohibitions
3 against -- the warnings against people
4 eating fish coming out of our streams and
5 rivers have been relaxed in recent years
6 because the water quality is improving,
7 including in the Delaware River.

8 The air here still is, at least
9 with respect to ozone, is problematic. And
10 our Secretary has already said that, but you
11 know, when they, the founding fathers up in
12 Philadelphia, not just working on the
13 Declaration of Independence, but a few years
14 later, working on the Constitution, which we
15 finally ratified in December 7, 1787. But
16 whenever they would get to a tough part and
17 trying to debate who is going to nominate
18 judges, how they'd be confirmed, how many
19 branches of government, what are the powers
20 of the president, what are the powers of
21 Congress, what are the powers of the states,
22 and what rights do women have, what are we
23 going to do with slaves, and all that.
24 Whenever they'd get to a tough part of the



1 negotiation, they would bring in, believe or
2 not, clergymen to pray and to help them have
3 wisdom, and to do the right thing. There
4 were people of different faiths there at the
5 writing of the Constitution. But whatever
6 their faith was, whether it happened to be
7 Protestant, Catholic, Jew -- I don't know if
8 there were Muslims, Hindus or Buddhists
9 there -- but if you go back to look at all
10 of those faiths, they have a number of
11 things in common. But one of the things
12 they most have in common is the idea we
13 should treat one another the way we want to
14 be treated. Every major religion in the
15 world basically has a good neighbor rule:
16 Treat others the way we want to be treated.

17 And when the Clean Air Act was
18 written all those years ago, the Congress
19 inserted a provision, I think it's called
20 126(b), and it says this: If there are
21 upward states that are putting out pollution
22 that comes down and visits itself on
23 downward states, that's not good and it
24 should not be allowed. And if the federal



1 government doesn't stop it, the states have
2 the authority, the opportunity to petition
3 in a section of law called 126(b) that says,
4 Delaware in this case to the Environmental
5 Protection Agency, there's three power
6 plants up in Pennsylvania that lead to a lot
7 of our ozone pollution -- there is one in
8 West Virginia, my native state as well --
9 and we don't like it. We're out of
10 compliance. It ain't our fault.

11 When I was privileged to be your
12 governor from '93 to 2001, we literally
13 could close down the economy of our state.
14 I could have ordered cars, trucks, vans off
15 the highways. I could have closed every
16 plant. We still would have been out of
17 compliance for ozone because of the states
18 to our north, to our west, Ohio, West
19 Virginia, Indiana, Illinois, Pennsylvania,
20 Kentucky, and the list goes on.

21 Now we know there's four power
22 plants that contribute the lion's share of
23 our problem. And what we've asked is the
24 EPA not to close those plants. What we've



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1 asked is for the EPA, for the three of the
2 four plants that actually have pollution
3 control equipment in place to use it, to
4 operate it, to run it, and for the other,
5 the fourth plant, we're not saying you got
6 to close the plant, but what we're saying is
7 move off of coal and use natural gas. If
8 those three plants that have the pollution
9 control equipment will use it, and if that
10 one plant will move off of coal and burn
11 natural gas, our worries are largely
12 mitigated. Our worries are largely
13 addressed.

14 Almost two years ago, almost two
15 years ago, Delaware petitioned EPA to do
16 what I just described. And there's three
17 other states as well, our neighbors,
18 Maryland, New York, and I think Connecticut
19 is the other. And we've all made similar
20 kinds of pleas.

21 I have these four core values
22 that guide me in my life. My staff -- some
23 of my staff are here -- State Representative
24 Short and others have heard these before,



1 maybe.

2 Number 1. Figure out what's the
3 right thing to do. Just do it. Not what's
4 easy, not what's expedient. Do what's
5 right.

6 Number 2. Golden rule. Treat
7 other people the way we want to be treated.

8 Number 3. Focus on excellence
9 in everything we do. If it isn't perfect,
10 make it better.

11 Number 4. When you know you're
12 right, you're sure you're right, don't give
13 up.

14 The right thing to do here is to
15 provide clean air for folks in Delaware,
16 Maryland, New York, Connecticut and 46 other
17 states the right to have life, liberty and
18 pursuit of happiness and air that we can
19 breathe and not have to worry about asthma
20 and asthma attacks.

21 Like some of you, I've been a
22 mentor for much of the last 20, 25 years,
23 and most of the kids I've mentored, most of
24 the kids I've mentored have problems with



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1 asthma. They have to have inhalers. They
2 have asthma attacks. And they're not the
3 only ones. There are tens of thousands of
4 kids in this state and older people as well
5 who suffer from asthma, in no small part
6 because of this, this single source of
7 pollution. The right thing to do is to do
8 something about it. The right thing to do
9 is to remind the EPA, and, if necessary, the
10 courts if EPA doesn't come around. Remind
11 them of the golden rule, to treat other
12 people the way you'd like to be. How would
13 the folks in Pennsylvania like it if
14 94 percent of their pollution came from
15 other states and they couldn't get any
16 relief? How would they like it? How would
17 the folks in West Virginia like that? Well,
18 they wouldn't like it. They have a moral
19 obligation to us to do something about their
20 pollution.

21 The last thing I want to say is
22 this. We're not going to give up.

23 Winston Churchill was a great,
24 great leader. Did anybody see the movie



1 Darkest Hours? The Darkest Hours, one of
2 the great movies of last year. The story of
3 the eventual evacuation of British troops
4 from France. It sort of like saved their
5 army and gave them a chance to fight back.
6 We were there with Britain all the way. In
7 that film, one of the things that Churchill
8 said about the Germans, who were coming
9 after them big time -- he used to give these
10 addresses to his citizens in Great Britain
11 at the darkest hour. And one of the
12 speeches he gave on the radio was something
13 like this, talking about the Germans. We
14 will fight them on the sea. We will fight
15 them under the sea. We will fight them in
16 the air. We'll fight them on our beaches.
17 We'll fight them in our forests. We'll
18 fight them in our streets. But we'll never,
19 never, never give up.

20 We're not going to give up. We
21 can do better than this. We're better than
22 this as a country.

23 And we have new leadership at
24 EPA. I spoke to the acting administrator



1 last week. Guess what we talked about. We
2 talked about Section 126(b). We talked
3 about the golden rule. We talked about
4 doing what is right. And we talked about
5 not giving up until justice was done.

6 I'm happy to stand shoulder with
7 Shawn, with the governor, with our
8 delegation, Chris Coons and Lisa
9 Blunt-Rochester, and with all of you in the
10 fight for not just clean air, not just a
11 fight against asthma, this is a fight for
12 life, liberty and the pursuit of happiness.
13 It goes back to where this nation was
14 founded. This is just the latest chapter.
15 We're going to make sure at the end of the
16 day we prevail.

17 P.S. Winston Churchill also
18 used to say these words. He used to poke
19 fun at America. He knew we saved their rear
20 ends in World War II. He was grateful for
21 that. But he always liked to poke fun at
22 us. One of the things he used to say about
23 America, he said, You can always count on
24 America to do the right thing in the end,



1 after trying everything else.

2 (Laughter.)

3 SENATOR CARPER: Well, we're
4 going to try doing the right thing. We're
5 going to try doing the right thing. And if
6 we do, if we actually are successful, and I
7 hope and pray that we will be, people in
8 this state and, frankly, our neighbors will
9 have a chance to breathe a lot better.

10 God bless you. Thank you so
11 much for being here and raising your voice.
12 Thank you.

13 (Applause.)

14 SECRETARY GARVIN: Thank you
15 very much, Senator.

16 So what we're going to do in a
17 second is, we're going to open it up so that
18 anybody who wants to comment can come up and
19 comment.

20 Valerie Gray has a list. If you
21 have not signed up and you'd still like to
22 comment, maybe after you heard something
23 somebody else said, just let Valerie know,
24 and she'll get you on the list.



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1 The other thing is, the governor
2 has set up a link on the website at
3 de.gov/cleanair. So if you want to make
4 comments, there is a, if you go there, there
5 is a place that's set up that we'll also be
6 collecting as well as you can send to the
7 department -- I think July 23rd is when the
8 comment period ends.

9 So, again, I thank all of you
10 for coming out.

11 Senator, I greatly appreciate
12 you taking time out of your very busy
13 schedule to be here.

14 And with that, I'm going to turn
15 it over to Valerie Gray.

16 We do have a stenographer here.
17 So if you can speak clearly and slowly so
18 that she can get everything you have to say.
19 We appreciate that as well. Valerie.

20 MS. GRAY: Thank you, Secretary
21 Carper. Thank you, Secretary Garvin.

22 First speaker we have signed up
23 is Kevin Caneco. Sorry if I pronounced your
24 name incorrectly. Is Kevin here today?



1 Maybe he will be here later.

2 Next speaker. Kevin Stewart
3 with the American Lung Association.

4 **MR. STEWART:** Thank you for the
5 opportunity to present comments today. I'm
6 Kevin Stewart. I serve the American Lung
7 Association as Director of Environmental
8 Health and Advocacy and Public Policy. The
9 American Lung Association's mission is to
10 save lives by improving lung health and
11 improving lung disease.

12 I speak today to oppose the
13 proposed denial of Rule 26(b) petitions and
14 urge EPA to take action to help clean up air
15 pollution that is transported into Delaware.

16 In the Clean Air Act, Congress
17 recognized that air pollution crosses state
18 lines and puts people in downwind states at
19 risk. The 126 petition process is supposed
20 to ensure that states like Delaware can
21 adequately protect their citizens from
22 harmful emissions when they come from beyond
23 their borders.

24 And these emissions cause real



1 health harms. Nitrogen dioxide, the primary
2 emission in this case, is harmful in and of
3 itself. It also reacts in the atmosphere to
4 create ozone and particulate matter. Ozone
5 pollution can cause asthma attacks and other
6 respiratory problems and even premature
7 death. Emerging research also links ozone
8 to cardiovascular, developmental and
9 reproductive harm.

10 Anyone's health can be harmed by
11 unhealthy levels of ozone, but certain
12 groups are particularly at risk. This
13 includes children, people with asthma and
14 other lung diseases, seniors, outdoor
15 workers and people living in poverty, all of
16 whom have been shown to be vulnerable to
17 ozone. And Delaware is home to 16,000
18 children and 63,000 adults with asthma,
19 47,000 adults with COPD, and 68,000 people
20 with cardiovascular disease. And evidence
21 even shows that otherwise healthy adults can
22 be harmed if they are exercising or working
23 outdoors on days of high ozone.

24 The state has worked tirelessly



1 under the Clean Air Act to reduce its
2 emissions that contribute to ozone,
3 including under Governor John Carney.

4 Between 2000 and 2015, Delaware's stringent
5 controls on electric generating units have
6 achieved more than an 80 percent reduction
7 in nitrogen oxide emissions on peak days
8 during the ozone season. Furthermore,
9 Delaware has gone far beyond addressing
10 low-hanging fruit and has adopted model
11 rules and imposed strict emission limits on
12 industrial boilers, combustion turbines,
13 maintenance coatings, commercial and
14 consumer products. Delaware was one of the
15 first states in the region that required
16 ultra-low sulfur distillate fuel for
17 stationary sources. And Delaware has
18 adopted California low emission vehicle
19 standards to reduce on-road vehicle
20 emissions. And I could go on.

21 Indeed, some of Delaware's
22 control measures invests upwards of \$5,000
23 to remove each ton of emissions, when EPA
24 considers controls to be "highly effective"



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1 at only at \$1400 per ton. And Delaware is
2 doing its best to squeeze out every
3 improvement it can make, yet poorly
4 controlled upwind sources still overwhelm
5 the state's air quality.

6 U.S. Senator Tom Carper has led
7 efforts in Congress to defend the Clean Air
8 Act from attempts to weaken its protections,
9 and the whole Delaware congressional
10 delegation -- Senator Carper, Senator Coons
11 and Representative Blunt Rochester -- all
12 called on EPA to reconsider its proposed
13 denial.

14 With over 90 percent of
15 Delaware's unhealthy levels of ozone
16 originating from out of state, Delaware
17 cannot address this problem alone. Yet
18 EPA's actions have not only denied Delaware
19 the opportunity for federal action that
20 would clean up these emissions, they have
21 even enacted rollbacks of existing
22 protections that will make the problem
23 worse. I will address each of these issues
24 in turn.



1 First, EPA's proposed denial of
2 Delaware's 126 petition must be reversed.
3 We at the Lung Association have several
4 concerns with the rationale in EPA's
5 proposed denial.

6 First, EPA argues Delaware has
7 no county with projected design values that
8 violate the 2008 ozone standard in 2017, nor
9 any that are likely to violate the 2015
10 ozone standard in 2023. However, the 2023
11 date is irrelevant, because under the Clean
12 Air Act, Delaware will be required to bring
13 areas into attainment by 2021. The 126
14 process is supposed to protect downwind
15 states from transported emissions that
16 contribute to nonattainment, so using a
17 longer timeline than the one that EPA itself
18 requires to achieve attainment makes no
19 sense. Is the EPA simply assuming that
20 transported emissions will not lead to
21 violations of the 2015 ozone standard in
22 2021 or 2022?

23 Further, this projection fails
24 to consider the impact that climate change



1 has had on ozone levels so far and will
2 likely have in the future. For 2016, data
3 for New Castle County shows a fourth highest
4 daily maximum eight-hour average exceeding
5 even the 75 parts per billion standard at
6 the Brandywine monitor. And warmer
7 temperatures are already enhancing
8 conditions for the formation of ozone. The
9 year 2016 was the second warmest on record,
10 and 2017 was the third warmest. 2018 is
11 rather warm. Delaware's preliminary 2017
12 emissions data show the continued impact of
13 higher ozone that could trigger a violation.

14 And we share Delaware's concerns
15 about the weak limits on the emissions from
16 the four upwind power plants that provide
17 the greatest effect on Delaware's air
18 quality. Delaware cites the common actions
19 among the three plants that have SCR
20 controls to reduce NOx emissions --
21 Conemaugh, Harrison and Homer City, all
22 three regularly turn off or reduce the level
23 of those controls, undercutting the
24 effectiveness of those protections.



1 We at the Lung Association have
2 serious concerns about the EPA's dismissal
3 of Delaware's concerns over the fourth of
4 those, the Brunner Island Plant. EPA cites
5 the Brunner Island Plant's decision to use
6 natural gas rather than coal in 2017 as
7 evidence that the plant's change in fuel
8 will not produce the emissions that
9 contribute to ozone in Delaware. EPA argues
10 that the owner, Talen Energy, has committed
11 to using natural gas going forward in their
12 settlement of a lawsuit with the Sierra
13 Club. However, Talen Energy agreed to end
14 ozone-season coal-burning at Brunner Island
15 only by 2023, five years from now. That
16 indicates that the plant could continue to
17 use coal over the next five years and could
18 switch back from natural gas to coal during
19 ozone season at any time.

20 No only do we object to the
21 rationale that EPA has used to propose to
22 deny Delaware's 126 petition, we also note
23 that EPA has taken numerous federal actions
24 that could ultimately lead to increases in



1 harmful emissions, making it still harder
2 for Delaware to protect its residents from
3 harmful pollution. I will name a few of
4 these harmful actions here:

5 The Clean Power Plan would
6 reduce emissions that contribute to ozone at
7 the same time as it reduces carbon
8 emissions. Yet EPA has proposed to repeal
9 it.

10 News reports indicate that EPA
11 is drafting a replacement to the Clean Power
12 Plan that would not only be far weaker, but
13 could actually lead to more premature deaths
14 from co-pollutants than doing nothing,
15 according to a study from Harvard, Syracuse
16 and Boston Universities.

17 Reports also indicate that EPA
18 will weaken or roll back its New Source
19 Performance Standards for oil and gas
20 sources, standards which would reduce
21 precursors to ozone in new facilities.

22 EPA has just extended the
23 loophole that allows a huge increase in
24 super-polluting glider trucks on the road.



1 EPA has proposed to censor the
2 science the agency uses in its decision-
3 making as well as issued an advance notice
4 of proposed rulemaking to alter cost-benefit
5 analysis in a way that could tip the scales
6 against clean air safeguards. And both
7 would make it much harder to set future air
8 pollution limits that protect health.

9 EPA has announced an accelerated
10 process for reviewing the Ozone and Ambient
11 Air Quality Standard that would include an
12 incomplete review of the science, and
13 signals that they may violate the Clean Air
14 Act by taking pollution control cost
15 considerations into account when setting
16 what the law requires to be solely a
17 health-based standard.

18 Everyone in Delaware,
19 particularly those most vulnerable to air
20 pollution, need protection from emissions
21 that blow in from out of state -- and yet
22 even as EPA weakens nationwide pollution
23 protections, they have also proposed to deny
24 Delaware's petition to require cleanup of



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1 the sources contributing to ozone in the
2 state. We urge EPA to reconsider. Thank
3 you.

4 (Applause.)

5 MS. GRAY: Our next speaker,
6 Pastor McDuffy.

7 PASTOR McDUFFY: Our community
8 wishes you greetings in the name of our Lord
9 and Saviour, Jesus Christ, to the Secretary
10 and to the director today, and all involved.

11 My name is Pastor Louis McDuffy.
12 I am president of the Eden-Hamilton Park
13 Environmental Civic Association. We're a
14 civic association that has been dealing with
15 environmental matters over 20 years. We are
16 right now in the process of remediation.
17 DNREC is cleaning up our area. And I think
18 they spent the first ten years cleaning it
19 up, and I think they're trying to cut down
20 the next ten they're going to have to do
21 some more work on.

22 We are also in the process of
23 moving from the neighborhood. They're
24 testing us now with surveys to find how many



1 want to move and how many don't. I don't
2 know how much you heard about that. We'll
3 be getting started with another round of
4 surveys tomorrow morning around 11:00
5 o'clock. The University of Delaware is
6 handling those surveys. Those that want to
7 move, they're going to try to move them.

8 In working with the EPA, now
9 close to 20 years, I started cleanup
10 activities in 1961. I'm much older. Maybe
11 I look older already. But in Delaware,
12 we've been working about 20 years on
13 environmental matters, including one of the
14 largest forms of litigation around. We had
15 to sue 32 industries, and that went for
16 almost 20 years. And in that process, we
17 worked with Delaware City. We worked with
18 getting rid of the contamination. We worked
19 with those -- not just tanneries --
20 tanneries in our area. There are 53
21 tanneries where they use pure arsenic to
22 clean the hair off of the animal to make
23 leather products. There's 53 of them in our
24 area. But we also worked in Delaware City.



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1 We worked everywhere where there was a
2 problem. My background is in science. So
3 we did that wherever you had -- at least in
4 Delaware City, that would go 22 miles. We
5 knew that would come right through our
6 neighborhood, so we've been working all
7 along.

8 But today, I just want to say a
9 few words about the EPA. The last time --
10 we spoke some months ago dealing with
11 repeal. I said then that on the EPA's best
12 day, they cannot make the grade. A lot of
13 people thought that was funny, but it really
14 wasn't. Most of the work I did for them, a
15 lot of the work I did, the science, the new
16 science because they got stuck and they
17 continued to get stuck.

18 Now come switch back to these
19 times. I asked for the last year and a
20 half, since President Trump has been in, for
21 them to come back to our neighborhood, let
22 us know how we -- what's called carbon
23 disulfide is buried underground with
24 arsenic, how it's fairing at that Superfund



1 site. The Halby Superfund site. That's our
2 area. And for a year and a half, they just
3 didn't come. That was kind of unusual.

4 When they came -- they came, I think in
5 March -- they came without records of the
6 site, and they said there were no records of
7 the site. You can go -- we have somebody
8 here recording all of this. And everybody
9 has heard it. The county, everybody has
10 been hearing it. And in their statement
11 that there were no records, they didn't have
12 to answer any questions.

13 For instance, the information
14 that I had given them 12 years prior to that
15 about carbon disulfide, if it scrawls, it's
16 highly, highly -- it will catch on fire just
17 like that. I made a statement 12 years ago
18 that it would gradually carry the arsenic
19 underground and up into the water.

20 Now, I want to keep up with this
21 because we have large holes developing in
22 different neighborhoods. I need to know
23 where it was moving in reference to those
24 large holes. This is research we've been



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1 doing forever. They couldn't say because
2 they didn't have any records. And I had to
3 wait until the meeting was over to tell the
4 EPA here's your records. I have gave them
5 to everybody.

6 My point in saying this, 'cause
7 I told them at the beginning of the meeting,
8 you guys have never had records, you've
9 never been up to par on what you're supposed
10 to be doing. Don't do that this time. They
11 swore they didn't have records. Okay. I
12 then asked them once they got the records,
13 listen, to bring me up to date on where we
14 are so we can put research to this thing.

15 Now, I didn't just do this by
16 myself. I called -- and I wrote a grant
17 with EPA years ago. I brought in University
18 of Maryland, John Hopkins. A number of
19 schools came in. And so everybody said the
20 same thing about the Halby site. People
21 know it or not, but it's going to blow one
22 day.

23 My point is this. In getting
24 the EPA to cooperate is just about



1 impossible. And somehow or another you have
2 got to get that information out like that to
3 embarrass them because it was only when he
4 came into town, the gentleman from the EPA,
5 the manager, and he saw I had written an
6 article about him, that he started to
7 straighten and he apologized. But up to
8 that point, you can't hardly get any
9 information from them.

10 Now, this particular group
11 that's out here now -- I'm not talking about
12 the scientists. But there are people
13 outside the scientists who don't even want
14 to follow science anymore. We have a
15 serious problem here. I said that at the
16 last meeting.

17 Then three weeks later, DNREC
18 puts an article about the different -- I
19 forget now. It's in the back of my mind.
20 But a lot of things they did. They were
21 saying suppression of evidence there. They
22 used the same words we used. Suppression of
23 evidence for -- not being able to handle the
24 things in the state because there is a



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1 suppression of evidence. This thing -- and
2 then he came here, apologized. Some of the
3 others apologized.

4 My point is this, though, that
5 with this particular group --

6 I appreciate Air Quality. Air
7 Quality has done an excellent job in my
8 neighborhood, setting up a truck, testing
9 the air around the clock, that kind of
10 thing.

11 We're going to have to make a
12 much more stringent talk -- not even talk.
13 I hate to say attack, but... But we have to
14 bring them up to really look at them because
15 they are not up to the task. I said at the
16 last meeting eight or nine months ago that
17 they're going to find -- if you really would
18 look at the records, and I asked them to
19 look at the records, which they have,
20 really, really, close -- we did the work.
21 They got in trouble, which was routine. We
22 did the work. My community did the work.
23 And that's in the records. And we can't
24 continue to do the work if you're not going



1 to let us see where the problem is. If you
2 are not going to come down and let us see
3 where the stuff is moving -- you have the
4 equipment to test those things -- and let us
5 know where it is going, we can't do the
6 work. So we have a real problem with the
7 EPA.

8 I'll say this in closing. Most
9 of my people are sick. I got a phone call
10 yesterday. Two have had minor heart
11 attacks. One person had two minor heart
12 attacks. A lot of them on breathing
13 equipment. So one way or another, we have
14 to get help for that neighborhood. But it
15 won't end there. If the EPA is not taken to
16 task and really embarrassed to let them
17 know -- and you know who can't stand
18 embarrassment. I will say something that
19 Senator Carper said, that the new guy, he's
20 a little different. Because he's the first
21 one I ever heard read this report. 'Cause
22 he said I know we've been throwing these
23 things in African-American neighborhoods, as
24 if we got to stop that. Well, that's the



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1 first time I ever heard of that. So maybe
2 there will be someone we can appeal to.
3 We're going to have to really, really take
4 them to task.

5 God bless you.

6 (Applause.)

7 MS. GRAY: Our next speaker is
8 Debbie Heaton.

9 MS. HEATON: Hi. My name is
10 Debbie Heaton. I'm here as a citizen today.
11 I am a member of the Sierra Club, and
12 representatives will be talking a little bit
13 later. What I'm going to say today is going
14 to be a little disjointed, but I wanted to
15 start off by agreeing with what Mr. Stewart
16 said from the American Lung Association. I
17 am also one of the disgruntled people,
18 having read the Federal Register, and not
19 understanding why the EPA can't help us
20 protect the air in Delaware.

21 Well, to start off with, today.
22 Think of the color yellow. The DVRPC, which
23 is the regional group that looks at the air
24 quality, thinks today, a little later today,



1 we'll have a moderate air quality level.
2 Not too bad for a summertime. But it will
3 be the same tomorrow, and actually it was
4 moderate yesterday. But we do have those
5 summer days where it goes into orange and
6 occasionally red.

7 Ozone, for a finding of moderate
8 air quality, using the 8-hour standard means
9 there will be .06 to .075 parts per million
10 of ozone in our air. So while it sounds
11 nice, pretty color yellow, and it's
12 moderate, it's still not a healthy condition
13 for especially the more delicate members of
14 our community whose health is at issue to be
15 outside.

16 On May 2nd, this year and
17 July 9th, if I've got my dates right, were
18 Code Orange days where the range was .076 to
19 .095 parts per million. A Code Orange Air
20 Quality forecast for ozone is a level of
21 pollution that can be unhealthy for some
22 sensitive groups, such as young children,
23 elderly and those with heart and/or
24 respiratory conditions. Pastor McDuffy



1 talked about some of the members in his
2 community who are suffering.

3 It's summertime, guys. Ozone
4 orange days, you have to limit your outdoor
5 activities, especially those that require a
6 high level of exertion.

7 Air doesn't respect our state
8 lines. And our lungs don't process
9 pollution differently depending upon what
10 state it comes from.

11 I feel the EPA is failing to do
12 its duty to protect our rights from the
13 health impacts of ozone that is being caused
14 by power plants outside our state.

15 Secretary Garvin spoke about the
16 department has pursued and will continue to
17 pursue voluntary and collaborative efforts
18 with partner states to ensure upwind power
19 plants meet the same stringent standards
20 that Delaware is required to meet. And in
21 fact, one of the things that DNREC asked
22 for -- it's really fun reading if you want
23 to read the Federal Register.

24 (Laughter.)



1 MS. HEATON: And I did last
2 night. DNREC asked the EPA to implement
3 short-term NOx emission limits as a remedy
4 under the Clean Air Act, Section 126(b), and
5 that -- they go on to say that the
6 Pennsylvania RACT Regulation include the
7 30-day averaging period for determining
8 emission rates, which allow facilities to
9 emit more on certain days, while still
10 meeting the 30-day average. It's those days
11 that pop above the average that are causing
12 us so much problem. Asking for this makes
13 sense, and I support this request.

14 As I was doing some digging, I
15 wanted to learn a little bit more about some
16 of the plants that were on the list that
17 they asked for some controls, to actually
18 use and/or improve. And the Homer City
19 plant is a plant that burns what they call
20 newly mined coal. They have to process it
21 somewhat before it burns. But what I came
22 to understand was that the owners of the
23 Homer City generating station are working to
24 make the facility more profitable as the



1 recent change in the economics of coal have
2 made the plant have significant financial
3 problems. I've come to learn that the RACT
4 technology is only required during peak
5 hours with normal scrubbers being used
6 during non-peak times. I think if they have
7 the technology, certainly the people of
8 Delaware deserve that it be used.

9 I also understand that the plant
10 asked for a delay in compliance for units 1
11 and 2 for two years so that during the ozone
12 season, they are allowed a limit 20 percent
13 higher than other plants, and between
14 September and May, they're allowed to go two
15 times higher than the state limit. This
16 doesn't help us in Delaware.

17 Upwind states participating in
18 an allowance trading program are not going
19 to make our air in Delaware cleaner. This
20 is one of the things that the EPA programs
21 allow. I ask EPA to provide data and
22 analysis -- which they repeatedly ask
23 Delaware for -- to confirm how they feel
24 this allowance trading will help make



1 Delaware's air cleaner.

2 Power plants in these upwind
3 states are threatening the health of our
4 families, and it is EPA's job to protect us.

5 I'm going to do a little more
6 research, and I'll submit some more
7 documents on-line, but what I wanted to
8 share was an interesting article from the
9 Indiana Gazette, where they looked at some
10 of the plants, among them the Homer City
11 plant. So I'll provide it to the Secretary
12 or the reporter.

13 (Applause.)

14 MS. GRAY: Our next speaker,
15 Stephanie Herron, with the Delaware Chapter
16 of the Sierra Club.

17 MS. HERRON: My name is
18 Stephanie Herron. I'm a volunteer outreach
19 coordinator for the Delaware Chapter of the
20 Sierra Club. I live in Wilmington. And
21 Sierra Club National will be submitting more
22 formal technical comments in writing to the
23 EPA directly, so I thought that I would use
24 my time to just speak as an individual about



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1 some of my concerns as a Delawarean.

2 As we've heard, our surrounding
3 states, in some cases, are not requiring
4 their power plants to meet even minimum
5 standards that we are required to require
6 our power plants to meet here in Delaware.
7 And I think that that's a little upsetting
8 in general. In fact, when most of these
9 plants already have the controls, as we've
10 heard, it's pretty outrageous that they are
11 choosing to not force their power plants to
12 run these very proven effective and
13 affordable controls. I think that that's
14 really unconscionable, especially given that
15 information that we just heard from the
16 American Lung Association.

17 The EPA's mission is very
18 simple. I thought it was. I just looked at
19 their website while I was sitting back there
20 to confirm. The EPA's mission is to protect
21 human health and the environment. It's a
22 very simple sentence, but it says a lot.
23 Right? All we're asking EPA to do is its
24 job.



1 Delaware has done a lot. As
2 we've heard, Delaware has adopted the Low
3 Emissions Vehicle Standards, which are more
4 stringent standards for the pollution coming
5 from vehicles.

6 We also participate in a program
7 with our surrounding states called the
8 Transportation and Climate Initiative where
9 we're looking at ways we can further reduce
10 the air pollution that comes from the
11 transportation sector in Delaware and our
12 region, recognizing that these are regional
13 pollutants, that there is nothing we can
14 really do on our own.

15 Delaware also participates in a
16 program called the Regional Greenhouse Gas
17 Initiative where we are requiring our power
18 plants to continue to reduce their emissions
19 harming our climate and our health.

20 I'm not saying, and I want to be
21 clear about this, that there's nothing
22 Delaware can do, or that we shouldn't be
23 doing more. I certainly think we cannot do
24 it on our own. And that's the value in



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1 programs like the Transportation and Climate
2 Initiative and the Regional Greenhouse Gas
3 Initiative. I think that there is more
4 Delaware can be doing with our surrounding
5 states, and I think that there is more we
6 can be doing right here in our own state.
7 One example is that being able to increase
8 our state's renewable energy goal. But we
9 certainly are doing a lot more than the
10 minimum.

11 And I think that EPA's lack of
12 acknowledgement of our petition is, frankly,
13 very disrespectful.

14 And I just want to state that of
15 those thousands of Delawareans that have
16 asthma, I'm one of them. And I have to take
17 a pill every day in addition to carry this
18 rescue inhaler with me everywhere I go.
19 Because earlier this year on one of those
20 Code Orange days, I was giving a
21 presentation about clean energy and had to
22 stop because I could not breathe. This is
23 what this means to me. I don't have it
24 nearly as bad as many Delawareans, including



1 some of my relatives, which is why it makes
2 me so upset. My little cousin Katie, who is
3 12, has to use a puff machine every night.
4 She's an extremely good athlete. She's
5 great at soccer and basketball. But there
6 are days that she cannot go outside because
7 the air is not safe to breathe. This is
8 unacceptable. And the EPA needs to do its
9 job to protect us.

10 (Applause.)

11 MS. GRAY: Is there anyone here
12 with the last name Marquehall? Marquehall.

13 Our next speaker is Coralie
14 Pryde.

15 MS. PRYDE: Good morning. I'm
16 Coralie Pryde. I live in North Wilmington.
17 Today, I'll be speaking just as a private
18 citizen.

19 As we've already heard in the
20 past couple of decades, Delaware has
21 significantly reduced its own emissions of
22 the contaminants such as NOx and SO2 that
23 are implicated in ozone formation by
24 replacing coal-based generators with natural



1 gas generators. The natural gas burners
2 have been configured to minimize NOx
3 formation. Despite all these major steps,
4 Delaware remains in noncompliance with ozone
5 standards. The situation is worse here in
6 New Castle County where ozone levels have
7 exceeded standards for the past 19 years and
8 still appear to be increasing despite all
9 the changes we've made.

10 Studies have shown that only
11 about 6 percent of the ozone-forming
12 contaminants are emitted by Delaware
13 sources. The great bulk of them are coming
14 from surrounding states. And in these
15 states, a number of plants were looked at,
16 and four plants were studied in more detail
17 and found to be emitting levels of the
18 NAAQS, or the National Ambient Air Quality
19 Standards, contaminants. Those are chemical
20 compounds that are known to be toxic to
21 people, to either be involved -- include
22 ozone and compounds that favor the formation
23 of ozone as well as particulate matter.

24 Plants are the Brunner Island



1 facility near York, PA, the Homer City and
2 Conemaugh stations, also in Pennsylvania,
3 and Harrison Power Station in Harrison
4 County, West Virginia. All of these studied
5 are coal-fired plants that are equipped with
6 controls that can be used to decrease NOx
7 and other pollutants involved in ozone
8 formation and also in particulate matter.
9 However, measurements taken in 2017 showed
10 that the controls were not necessarily in
11 use during peak times for ozone formation.
12 This resulted in significant increases in
13 the number of times the eight-hour limits
14 for NAAQS level were exceeded in Delaware.
15 The levels emitted by the plants are
16 averaged over a 30-day period for purposes
17 of calculating the effects on neighboring
18 states in downwind locations, and so the
19 plants were in compliance with their own
20 rules allowed by the EPA, even though they
21 forced us to be out of compliance.

22 Its proposed rejection of the
23 petition on the Brunner Island plant, the
24 EPA noted that the plant is not equipped to



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1 burn gas, although coal-fired generators
2 remain ready to be used. The gas-fueled
3 generator lacks post-combustion controls.
4 Modeling indicated that in high ozone
5 periods, running this gas generator at just
6 50 percent of its maximum capacity could
7 bring Delaware into short-term noncompliance
8 with ozone levels. Furthermore, the EPA has
9 not specified that the coal-fired generators
10 cannot be used in ozone seasons.

11 While natural gas has been at
12 historically low prices in the past decade,
13 prices are expected to rise as an increasing
14 portion of U.S. gas is shipped to overseas
15 locations in Europe and Asia where they can
16 obtain much higher prices for natural gas
17 than they can charge here in the U.S. The
18 Trump administration has also made it clear
19 of its intention to encourage increased use
20 of coal.

21 Finally, as others have
22 mentioned, abolishing the Clean Power Plan
23 will add to rising temperatures, a major
24 factor in ozone formation. So it is likely



1 that we're going to have more coal-fired
2 generation here in the future, we'll have
3 higher temperatures, all causing even higher
4 ozone concentrations than we've had.

5 Short-term exceedance of NAAQS
6 levels cause serious health problems for
7 those afflicted with asthma or other
8 pulmonary diseases. Even when longer-term
9 ozone levels do not exceed mandated levels
10 in North Delaware, the high levels of NAAQS
11 coming from out-of-state sources can
12 exacerbate many health problems, causing
13 long-term damage to lungs, possibly genital
14 problems, and so on.

15 The stated mission of the EPA is
16 to "protect human health and the
17 environment." By delaying and denying
18 meaningful action on Delaware's 126(b)
19 petitions, the EPA is refusing to protect
20 the health of Delawareans. This needs to be
21 changed. Thank you.

22 (Applause.)

23 MS. GRAY: The next speaker, if
24 they're here, Sumner Crosby. Sumner Crosby.



1 The next speaker is Pat Todd.

2 MS. TODD: Good morning. My
3 name is Pat Todd. I'm a member of the
4 Environmental Committee of the League of
5 Women Voters of Delaware. But I am speaking
6 as an individual today.

7 Delaware has made every effort
8 to comply with the Clean Air Act and the
9 National Ambient Air Quality Standards to
10 reduce ozone levels. It is impossible for
11 our state to accomplish attainment of the
12 standards due to neighboring states'
13 stationary fossil fuel plants emitting air
14 pollution which flows into Delaware's air
15 space. It is with dismay to the people of
16 Delaware that EPA has seen fit to deny the
17 Department of National Resources and
18 Environmental Control's four petitions to
19 seek attainment.

20 In the four petitions, DNREC has
21 demonstrated that they complied with the
22 four-step framework in quantifying and
23 reducing emissions necessary for the
24 interstate transport requirements of the



1 good neighbor provision, Section 126(b).

2 Step 1. Delaware, especially
3 New Castle County, has exceeded the 2008 and
4 2015 ozone standards. And this warm summer
5 will be another example of exceedance, as
6 will happen to a greater extent in future
7 warmer summers. How can this be when
8 Delaware generates 89 percent of its
9 electricity from natural gas, which has low
10 amounts of nitrogen and sulfur oxides
11 emissions? Already, our state has put
12 control measures into effect. It has been
13 determined that over 90 percent of the bad
14 ozone levels come from neighboring "upwind
15 states." They, those states, are not
16 complying with the good neighbor policy.
17 Just ask Delawareans who have allergies and
18 asthma or are elderly and have trouble
19 breathing whenever our state has air quality
20 pollution problems. They will say yes! I
21 myself have allergy problems aggravated by
22 pollution. One of the pastors of my church
23 is moving to Upper New York State because
24 air quality conditions here are detrimental



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1 to his health.

2 Step 2. Using EPA's
3 "Cross-State Air Pollution Rule Update,
4 DNREC has determined that Pennsylvania and
5 West Virginia are the upwind states that are
6 affecting our nonattainment status and has
7 identified the four power plants that cause
8 Delaware's air quality problems.

9 Step 3. DNREC has used EPA-
10 approved methodologies to identify the
11 emissions from the four named sources. It
12 is difficult to understand how the results
13 from EPA's own special analyses could differ
14 so radically from its own approved
15 scientific procedures.

16 Step 4. By denying the validity
17 of Delaware's four petitions and not
18 requiring Pennsylvania and West Virginia to
19 order the four sources to change their
20 methods of operations, especially during the
21 ozone season, change their fuel system, or
22 to install better polluting control
23 equipment to their plants, Delaware's air
24 quality will only worsen and the state's



1 exceedances will increase. EPA will have
2 failed in its purpose to help states -- in
3 particular, Delaware -- comply with the
4 Clean Air Act. It is my opinion that EPA
5 has got to try harder to come up with better
6 solutions to resolve these difficulties if
7 the agency is going to deny legitimate
8 petitions.

9 Thank you for the opportunity to
10 voice my opinion.

11 (Applause.)

12 MS. GRAY: Ashley Kennedy with
13 the University of Delaware.

14 MS. KENNEDY: Good morning. I'm
15 Ashley Kennedy. I am a researcher in the
16 Department of Entomology and Wildlife
17 Ecology at the University of Delaware. As a
18 scientist, I support evidence-based
19 decision-making. And I really like facts,
20 so I'm going to share some facts with you
21 this morning.

22 Seven million people worldwide
23 die from air pollution each year. 217,000
24 Americans suffer asthma attacks each year as



1 a direct result of air pollution.

2 The largest sources of the air
3 pollution that threatens public health are
4 also the biggest sources of greenhouse gases
5 that are warming the planet. Because they
6 are one and the same, we are now uniquely
7 positioned to kill two birds with one stone,
8 so to speak. Climate change is poised to do
9 more harm to life on earth, including human
10 life, than nuclear war ever could.

11 Each year between 2001 and 2017
12 was among the hottest 20 years on record.
13 Warming temperatures render us more
14 susceptible to extreme weather events and
15 vector-borne diseases such as West Nile
16 Virus, Lyme Disease and Zika as well as
17 cardiovascular disease and cancer.
18 Governments, especially at the federal
19 level, and industry have been slow to act
20 because of a misconception that action would
21 be costly. But utilities have enormous
22 opportunity before them if they are willing
23 to be revolutionary.

24 The U.S. has led the world --



1 this is a little success story for you, to
2 change the tone -- the U.S. has led the
3 world in reducing emissions -- not because
4 of altruism, not because of a bleeding heart
5 desire to do the right thing, but because of
6 the gradual realization that cutting
7 emissions has economic benefits.

8 Technological advances, shifts in consumer
9 preferences, and other market forces have
10 made cleaner energy the only economically
11 viable option going forward.

12 Climate change is not a partisan
13 issue. Action on climate change makes us
14 healthier, saves money, increases
15 efficiency, helps people find jobs, and
16 strengthens our economy. A small investment
17 now will have tremendous payoffs down the
18 road. Not allowing the Brunner Island Power
19 Plant to use coal during ozone season is a
20 small price to pay to save lives. Running
21 nitrogen oxide controls at the other three
22 facilities in question is a small price to
23 pay for improving public health and the
24 health of our planet.



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1 Thank you for your time and
2 attention.

3 (Applause.)

4 MS. GRAY: Would anyone else
5 like to speak that has not already
6 preregistered? And then that concludes.

7 MR. GARVIN: We're going to
8 leave the record open in case other people
9 join us. But I want to thank everybody for
10 coming out. As I said, if you decide that
11 you want to give comments in the future,
12 DE.gov/clean air. There is a place in which
13 you can provide comments which will go into
14 the transcript which we will forward to the
15 EPA.

16 I thank you all for coming out.
17 And we're going to hang out for a little bit
18 in case anybody else shows up. So thank
19 you.

20 (Applause.)

21 MR. HOWELL: Tom Howell. I'm an
22 instructor here, culinary arts. But
23 certainly my opinion is that we are -- we
24 are a small state, but we are surrounded by



1 states that are producing carbon monoxide
2 and other things that we don't want in our
3 air, and it's kind of unfair to us that we
4 have to breathe their dirty air. An so my
5 opinion is that we ought to be able to
6 affect what other states are doing to us.
7 You know, it's going to affect our children
8 and how they breathe and, you know, their
9 asthma. And I would assume that a lot of
10 these pollutants are carcinogenic. And we
11 have a very high cancer rate in this state,
12 and we've got to assume that some of that is
13 due to us breathing these states that are
14 burning coal and what not. You know, if
15 they are not utilizing the technology that's
16 available to prevent that air from being
17 cleaner, then we ought to have a say in it.
18 We don't appear to be doing it on a federal
19 level right now.

20 So that's my opinion.

21 MR. GARVIN: Thank you.
22 Appreciate it.

23 MS. GRAY: Thank you, Tom.

24 (Applause.)



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1 State of Delaware)
2 New Castle County)

3
4 CERTIFICATE OF REPORTER

5 I, Lucinda M. Reeder, Registered
6 Diplomate Reporter, Certified Real-time
7 Reporter and Notary Public, do hereby
8 certify that the foregoing record is a true
9 and accurate transcript of my stenographic
10 notes taken on July 16, 2018 in the
11 above-captioned matter.

12 IN WITNESS WHEREOF, I have hereunto
13 set my hand and seal this 19th day of July
14 2018 at Wilmington, Delaware.

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Lucinda M. Reeder, RDR, CRR

